

Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative Hill offered the following:

Amendment (with title amendment)

5 Between lines 203 and 204, insert:

6 Section 1. Paragraph (b) of subsection (2) of section
 7 20.23, Florida Statutes, is amended to read:

8 20.23 Department of Transportation.—There is created a
 9 Department of Transportation which shall be a decentralized
 10 agency.

11 (2)

12 (b) The commission shall ~~have the primary functions to:~~

13 1. Recommend major transportation policies for the
 14 Governor's approval, and assure that approved policies and any
 15 revisions thereto are properly executed.

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16 2. Periodically review the status of the state
17 transportation system including highway, transit, rail, seaport,
18 intermodal development, and aviation components of the system
19 and recommend improvements therein to the Governor and the
20 Legislature.

21 3. Perform an in-depth evaluation of the annual department
22 budget request, the Florida Transportation Plan, and the
23 tentative work program for compliance with all applicable laws
24 and established departmental policies. Except as specifically
25 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
26 not consider individual construction projects, but shall
27 consider methods of accomplishing the goals of the department in
28 the most effective, efficient, and businesslike manner.

29 4. Monitor the financial status of the department on a
30 regular basis to assure that the department is managing revenue
31 and bond proceeds responsibly and in accordance with law and
32 established policy.

33 5. Monitor on at least a quarterly basis, the efficiency,
34 productivity, and management of the department, using
35 performance and production standards developed by the commission
36 pursuant to s. 334.045.

37 6. Perform an in-depth evaluation of the factors causing
38 disruption of project schedules in the adopted work program and
39 recommend to the Legislature and the Governor methods to
40 eliminate or reduce the disruptive effects of these factors.

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41 7. Recommend to the Governor and the Legislature
42 improvements to the department's organization in order to
43 streamline and optimize the efficiency of the department. In
44 reviewing the department's organization, the commission shall
45 determine if the current district organizational structure is
46 responsive to Florida's changing economic and demographic
47 development patterns. The initial report by the commission must
48 be delivered to the Governor and Legislature by December 15,
49 2000, and each year thereafter, as appropriate. The commission
50 may retain such experts as are reasonably necessary to
51 effectuate this subparagraph, and the department shall pay the
52 expenses of such experts.

53 8. Monitor the efficiency, productivity, and management of
54 the authorities created under chapters 345, 348 and 349,
55 including any authority formed using the provisions of part I of
56 chapter 348 and any authority formed under chapter 343 which is
57 not monitored under subsection (3). The commission shall also
58 conduct periodic reviews of each authority's operations and
59 budget, acquisition of property, management of revenue and bond
60 proceeds, and compliance with applicable laws and generally
61 accepted accounting principles.

62 Section 2. Chapter 345, Florida Statutes, consisting of
63 sections 345.0001, 345.0002, 345.0003, 345.0004, 345.0005,
64 345.0006, 345.0007, 345.0008, 345.0009, 345.0010, 345.0011,
65 345.0012, 345.0013, and 345.0014, is created to read:

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66 345.0001 Short title.—This act may be cited as the
67 "Northwest Florida Regional Transportation Finance Authority
68 Act."

69 345.0002 Definitions.—As used in this chapter, the term:

70 (1) "Agency of the state" means the state and any
71 department of, or any corporation, agency, or instrumentality
72 created, designated, or established by, the state.

73 (2) "Area served" means Escambia County. However, upon a
74 contiguous county's consent to inclusion within the area served
75 by the authority and with the agreement of the authority, the
76 term shall also include the geographical area of such county
77 contiguous to Escambia County.

78 (3) "Authority" means the Northwest Florida Regional
79 Transportation Finance Authority, a body politic and corporate,
80 and an agency of the state, established under this chapter.

81 (4) "Bonds" means the notes, bonds, refunding bonds, or
82 other evidences of indebtedness or obligations, in temporary or
83 definitive form, which the authority may issue under this
84 chapter.

85 (5) "Department" means the Department of Transportation.

86 (6) "Division" means the Division of Bond Finance of the
87 State Board of Administration.

88 (7) "Federal agency" means the United States, the
89 President of the United States, and any department of, or any

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90 bureau, corporation, agency, or instrumentality created,
91 designated, or established by, the United States Government.

92 (8) "Members" means the governing body of the authority,
93 and the term "member" means one of the individuals constituting
94 such governing body.

95 (9) "Regional system" or "system" means, generally, a
96 modern system of roads, bridges, causeways, tunnels, and mass
97 transit services within the area of the authority, with access
98 limited or unlimited as the authority may determine, and the
99 buildings and structures and appurtenances and facilities
100 related to the system, including all approaches, streets, roads,
101 bridges, and avenues of access for the system.

102 (10) "Revenues" means the tolls, revenues, rates, fees,
103 charges, receipts, rentals, contributions, and other income
104 derived from or in connection with the operation or ownership of
105 a regional system, including the proceeds of any use and
106 occupancy insurance on any portion of the system, but excluding
107 state funds available to the authority and any other municipal
108 or county funds available to the authority under an agreement
109 with a municipality or county.

110 345.0003 Transportation finance authority; formation;
111 membership.-

112 (1) Escambia County, alone or together with any consenting
113 contiguous county, may form a regional finance authority for the
114 purposes of constructing, maintaining, and operating

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115 transportation projects in the northwest region of this state.
116 The authority shall be governed in accordance with this chapter.
117 The area served by the authority may not be expanded beyond
118 Escambia County without the approval of the county commission of
119 each contiguous county that will be a part of the authority.

120 (2) The governing body of the authority shall consist of a
121 board of voting members as follows:

122 (a) The county commission of each county in the area
123 served by the authority shall appoint two members. Each member
124 must be a resident of the county from which he or she is
125 appointed and, if possible, must represent the business and
126 civic interests of the community.

127 (b) The Governor shall appoint an equal number of members
128 to the board as those appointed by each county commission. The
129 members appointed by the Governor must be residents of the area
130 served by the authority.

131 (c) One member shall be the district secretary of the
132 Department of Transportation serving in the district that
133 contains Escambia County.

134 (3) The term of office of each member shall be for 4 years
135 or until his or her successor is appointed and qualified.

136 (4) A member may not hold an elected office during the
137 term of his or her membership.

138 (5) A vacancy occurring in the governing body before the
139 expiration of the member's term shall be filled for the balance

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140 of the unexpired term by the respective appointing authority in
141 the same manner as the original appointment.

142 (6) Before entering upon his or her official duties, each
143 member must take and subscribe to an oath before an official
144 authorized by law to administer oaths that he or she will
145 honestly, faithfully, and impartially perform the duties of his
146 or her office as a member of the governing body of the authority
147 and that he or she will not neglect any duties imposed upon him
148 or her by this chapter.

149 (7) The Governor may remove from office a member of the
150 authority for misconduct, malfeasance, misfeasance, or
151 nonfeasance in office.

152 (8) The members of the authority shall designate a chair
153 from among the membership.

154 (9) The members of the authority shall serve without
155 compensation, but are entitled to reimbursement for per diem and
156 other expenses in accordance with s. 112.061 while in
157 performance of their duties.

158 (10) A majority of the members of the authority shall
159 constitute a quorum, and resolutions enacted or adopted by a
160 vote of a majority of the members present and voting at any
161 meeting are effective without publication, posting, or any
162 further action of the authority.

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163 (11) Members of the board shall comply with the applicable
164 financial disclosure requirements of s. 8, Art. II of the State
165 Constitution.

166 345.0004 Powers and duties.-

167 (1) The authority shall plan, develop, finance, construct,
168 reconstruct, improve, own, operate, and maintain a regional
169 system in the area served by the authority. The authority may
170 not exercise these powers with respect to an existing system for
171 transporting people and goods by any means that is owned by
172 another entity without the consent of that entity. If the
173 authority acquires, purchases, or inherits an existing entity,
174 the authority shall inherit and assume all rights, assets,
175 appropriations, privileges, and obligations of the existing
176 entity.

177 (2) The authority may exercise all powers necessary,
178 appurtenant, convenient, or incidental to the carrying out of
179 the purposes of this section, including, but not limited to, the
180 following rights and powers:

181 (a) To sue and be sued, implead and be impleaded, and
182 complain and defend in all courts in its own name.

183 (b) To adopt and use a corporate seal.

184 (c) To have the power of eminent domain, including the
185 procedural powers granted under chapters 73 and 74.

186 (d) To acquire, purchase, hold, lease as a lessee, and use
187 any property, real, personal, or mixed, tangible or intangible,

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188 or any interest therein, necessary or desirable for carrying out
189 the purposes of the authority.

190 (e) To sell, convey, exchange, lease, or otherwise dispose
191 of any real or personal property acquired by the authority,
192 which the authority and the department have determined is not
193 needed for the construction, operation, and maintenance of the
194 system, including air rights.

195 (f) To fix, alter, charge, establish, and collect rates,
196 fees, rentals, and other charges for the use of any system owned
197 or operated by the authority, which rates, fees, rentals, and
198 other charges must be sufficient to comply with any covenants
199 made with the holders of any bonds issued under this act;
200 however, such right and power may be assigned or delegated by
201 the authority to the department.

202 (g) To borrow money; make and issue negotiable notes,
203 bonds, refunding bonds, and other evidences of indebtedness or
204 obligations, in temporary or definitive form, to finance all or
205 part of the improvement of the authority's system and
206 appurtenant facilities, including the approaches, streets,
207 roads, bridges, and avenues of access for the system and for any
208 other purpose authorized by this chapter, the bonds to mature no
209 more than 30 years after the date of the issuance; to secure the
210 payment of such bonds or any part thereof by a pledge of its
211 revenues, rates, fees, rentals, or other charges, including
212 municipal or county funds received by the authority under an

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213 agreement between the authority and a municipality or county;
214 and, in general, to provide for the security of the bonds and
215 the rights and remedies of the holders of the bonds. However,
216 municipal or county funds may not be pledged for the
217 construction of a project for which a toll is to be charged
218 unless the anticipated tolls are reasonably estimated by the
219 governing board of the municipality or county, on the date of
220 its resolution pledging the funds, to be sufficient to cover the
221 principal and interest of such obligations during the period
222 when the pledge of funds is in effect. The authority shall
223 reimburse a municipality or county for sums spent from municipal
224 or county funds used for the payment of the bond obligations.

225 (h) To make contracts of every name and nature, including,
226 but not limited to, partnerships providing for participation in
227 ownership and revenues, and to execute each instrument necessary
228 or convenient for the conduct of its business.

229 (i) Without limitation of the foregoing, to cooperate
230 with, accept grants from, and to enter into contracts or other
231 transactions with any federal agency, the state, or any agency
232 or any other public body of the state.

233 (j) To employ an executive director, attorney, staff, and
234 consultants. Upon the request of the authority, the department
235 shall furnish the services of a department employee to act as
236 the executive director of the authority.

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237 (k) To accept funds or other property from private
238 donations.

239 (1) To act and do things necessary or convenient for the
240 conduct of its business and the general welfare of the
241 authority, in order to carry out the powers granted to it by
242 this act or any other law.

243 (3) The authority may not pledge the credit or taxing
244 power of the state or a political subdivision or agency of the
245 state. Obligations of the authority may not be considered to be
246 obligations of the state or of any other political subdivision
247 or agency of the state. Except for the authority, the state or
248 any political subdivision or agency of the state is not liable
249 for the payment of the principal of or interest on such
250 obligations.

251 (4) The authority may not, other than by consent of the
252 affected county or an affected municipality, enter into an
253 agreement that would legally prohibit the construction of a road
254 by the county or the municipality.

255 (5) The authority shall comply with the statutory
256 requirements of general application which relate to the filing
257 of a report or documentation required by law, including the
258 requirements of ss. 189.4085, 189.415, 189.417, and 189.418.

259 345.0005 Bonds.—

260 (1) Bonds may be issued on behalf of the authority pursuant
261 to the State Bond Act in such principal amount as, in the

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262 opinion of the authority, shall be necessary to provide
263 sufficient moneys for achieving its corporate purposes,
264 including construction, reconstruction, improvement, extension,
265 and repair of the regional system, the cost of acquisition of
266 all real property, interest on bonds during construction and for
267 a reasonable period thereafter, and establishment of reserves to
268 secure bonds.

269 (2) Bonds issued on behalf of the authority under
270 subsection (1) must:

271 (a) Be authorized by resolution of the members of the
272 authority and bear such date or dates; mature at such time or
273 times, not exceeding 30 years after their respective dates; bear
274 interest at such rate or rates, not exceeding the maximum rate
275 fixed by general law for authorities; be in such denominations;
276 be in such form, either coupon or fully registered; carry such
277 registration, exchangeability, and interchangeability
278 privileges; be payable in such medium of payment and at such
279 place or places; be subject to such terms of redemption; and be
280 entitled to such priorities of lien on the revenues and other
281 available moneys as such resolution or any resolution after the
282 bonds' issuance provides.

283 (b) Be sold at public sale in the manner provided in the
284 State Bond Act. Temporary bonds or interim certificates may be
285 issued to the purchaser or purchasers of such bonds pending the
286 preparation of definitive bonds and may contain such terms and
287 conditions as determined by the authority.

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288 (3) A resolution that authorizes bonds may specify
289 provisions that must be part of the contract with the holders of
290 the bonds as to:

291 (a) The pledging of all or any part of the revenues,
292 available municipal or county funds, or other charges or
293 receipts of the authority derived from the regional system.

294 (b) The construction, reconstruction, improvement,
295 extension, repair, maintenance, and operation of the system, or
296 any part or parts of the system, and the duties and obligations
297 of the authority with reference thereto.

298 (c) Limitations on the purposes to which the proceeds of
299 the bonds, then or thereafter issued, or of any loan or grant by
300 any federal agency or the state or any political subdivision of
301 the state may be applied.

302 (d) The fixing, charging, establishing, revising,
303 increasing, reducing, and collecting of tolls, rates, fees,
304 rentals, or other charges for use of the services and facilities
305 of the system or any part of the system.

306 (e) The setting aside of reserves or of sinking funds and
307 the regulation and disposition of the reserves or sinking funds.

308 (f) Limitations on the issuance of additional bonds.

309 (g) The terms of any deed of trust or indenture securing
310 the bonds, or under which the bonds may be issued.

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311 (h) Any other or additional matters, of like or different
312 character, which in any way affect the security or protection of
313 the bonds.

314 (4) The authority may enter into deeds of trust,
315 indentures, or other agreements with banks or trust companies
316 within or without the state, as security for such bonds, and
317 may, under such agreements, assign and pledge any of the
318 revenues and other available moneys, including any available
319 municipal or county funds, under the terms of this chapter. The
320 deed of trust, indenture, or other agreement may contain
321 provisions that are customary in such instruments or that the
322 authority may authorize, including, but without limitation,
323 provisions that:

324 (a) Pledge any part of the revenues or other moneys
325 lawfully available.

326 (b) Apply funds and safeguard funds on hand or on deposit.

327 (c) Provide for the rights and remedies of the trustee and
328 the holders of the bonds.

329 (d) Provide for the terms of the bonds or for resolutions
330 authorizing the issuance of the bonds.

331 (e) Provide for any other or additional matters, of like
332 or different character, which affect the security or protection
333 of the bonds.

334 (5) Bonds issued under this act are negotiable instruments
335 and have the qualities and incidents of negotiable instruments

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336 under the law merchant and the negotiable instruments law of the
337 state.

338 (6) A resolution that authorizes the issuance of authority
339 bonds and pledges the revenues of the system must require that
340 revenues of the system be periodically deposited into
341 appropriate accounts in sufficient sums to pay the costs of
342 operation and maintenance of the system for the current fiscal
343 year as set forth in the annual budget of the authority and to
344 reimburse the department for any unreimbursed costs of operation
345 and maintenance of the system from prior fiscal years before
346 revenues of the system are deposited into accounts for the
347 payment of interest or principal owing or that may become owing
348 on such bonds.

349 (7) State funds may not be used or pledged to pay the
350 principal or interest of any authority bonds, and all such bonds
351 must contain a statement on their face to this effect.

352 345.0006 Remedies of bondholders.—

353 (1) The rights and the remedies granted to authority
354 bondholders under this chapter are in addition to and not in
355 limitation of any rights and remedies lawfully granted to such
356 bondholders by the resolution or indenture providing for the
357 issuance of bonds, or by any deed of trust, indenture, or other
358 agreement under which the bonds may be issued or secured. If the
359 authority defaults in the payment of the principal or interest
360 on the bonds issued under this chapter after such principal or

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361 interest becomes due, whether at maturity or upon call for
362 redemption, as provided in the resolution or indenture, and such
363 default continues for 30 days, or if the authority fails or
364 refuses to comply with this chapter or any agreement made with,
365 or for the benefit of, the holders of the bonds, the holders of
366 25 percent in aggregate principal amount of the bonds then
367 outstanding are entitled as of right to the appointment of a
368 trustee to represent such bondholders for the purposes of the
369 default if the holders of 25 percent in aggregate principal
370 amount of the bonds then outstanding first gave written notice
371 to the authority and to the department of their intention to
372 appoint a trustee.

373 (2) The trustee and a trustee under a deed of trust,
374 indenture, or other agreement may, or upon the written request
375 of the holders of 25 percent or such other percentages specified
376 in any deed of trust, indenture, or other agreement, in
377 principal amount of the bonds then outstanding, shall, in any
378 court of competent jurisdiction, in its own name:

379 (a) By mandamus or other suit, action, or proceeding at
380 law, or in equity, enforce all rights of the bondholders,
381 including the right to require the authority to fix, establish,
382 maintain, collect, and charge rates, fees, rentals, and other
383 charges, adequate to carry out any agreement as to, or pledge
384 of, the revenues, and to require the authority to carry out any
385 other covenants and agreements with or for the benefit of the

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386 bondholders, and to perform its and their duties under this
387 chapter.

388 (b) Bring suit upon the bonds.

389 (c) By action or suit in equity, require the authority to
390 account as if it were the trustee of an express trust for the
391 bondholders.

392 (d) By action or suit in equity, enjoin any acts or things
393 that may be unlawful or in violation of the rights of the
394 bondholders.

395 (3) A trustee, if appointed under this section or acting
396 under a deed of trust, indenture, or other agreement, and
397 regardless of whether all bonds have been declared due and
398 payable, is entitled to the appointment of a receiver. The
399 receiver may enter upon and take possession of the system or the
400 facilities or any part or parts of the system, the revenues, and
401 other pledged moneys, for and on behalf of and in the name of,
402 the authority and the bondholders. The receiver may collect and
403 receive revenues and other pledged moneys in the same manner as
404 the authority. The receiver shall deposit such revenues and
405 moneys in a separate account and apply all such revenues and
406 moneys remaining after allowance for payment of all costs of
407 operation and maintenance of the system in such manner as the
408 court directs. In a suit, action, or proceeding by the trustee,
409 the fees, counsel fees, and expenses of the trustee, and the
410 receiver, if any, and all costs and disbursements allowed by the

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411 court must be a first charge on any revenues after payment of
412 the costs of operation and maintenance of the system. The
413 trustee also has all other powers necessary or appropriate for
414 the exercise of any functions specifically described in this
415 section or incident to the representation of the bondholders in
416 the enforcement and protection of their rights.

417 (4) A receiver appointed pursuant to this section to
418 operate and maintain the system or a facility or a part of a
419 facility may not sell, assign, mortgage, or otherwise dispose of
420 any of the assets belonging to the authority. The powers of the
421 receiver are limited to the operation and maintenance of the
422 system or any facility or part of a facility and to the
423 collection and application of revenues and other moneys due the
424 authority, in the name and for and on behalf of the authority
425 and the bondholders. A holder of bonds or trustee does not have
426 the right in any suit, action, or proceeding, at law or in
427 equity, to compel a receiver, or a receiver may not be
428 authorized or a court may not direct a receiver, to sell,
429 assign, mortgage, or otherwise dispose of any assets of whatever
430 kind or character belonging to the authority.

431 345.0007 Department to construct, operate, and maintain
432 facilities.-

433 (1) The department is the agent of the authority for the
434 purpose of performing all phases of a project, including, but
435 not limited to, constructing improvements and extensions to the

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436 system, with the exception of the transit facilities. The
437 authority shall provide to the department complete copies of the
438 documents, agreements, resolutions, contracts, and instruments
439 that relate to the project and shall request that the department
440 perform the construction work, including the planning,
441 surveying, design, and actual construction of the completion of,
442 extensions of, and improvements to the system. After the
443 issuance of bonds to finance construction of an improvement or
444 addition to the system, ~~the division and the~~ authority shall
445 transfer to the credit of an account of the department in the
446 State Treasury the necessary funds for construction. The
447 department shall proceed with construction and use the funds for
448 the purpose authorized by law for construction of roads and
449 bridges. The authority may alternatively, with the consent and
450 approval of the department, elect to appoint a local agency
451 certified by the department to administer federal aid projects
452 in accordance with federal law as the authority's agent for the
453 purpose of performing each phase of a project.

454 (2) Notwithstanding subsection (1), the department is the
455 agent of the authority for the purpose of operating and
456 maintaining the system, with the exception of transit
457 facilities. The costs incurred by the department for operation
458 and maintenance shall be reimbursed from revenues of the system.
459 The appointment of the department as agent for the authority
460 does not create an independent obligation on the part of the

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461 department to operate and maintain the system. The authority
462 shall remain obligated as principal to operate and maintain its
463 system, and the authority's bondholders do not have an
464 independent right to compel the department to operate or
465 maintain the authority's system.

466 (3) The authority shall fix, alter, charge, establish, and
467 collect tolls, rates, fees, rentals, and other charges for the
468 authority's facilities, as otherwise provided in this chapter.

469 345.0008 Department contributions to authority projects.-

470 (1) The department may, at the request of the authority,
471 provide for or contribute to the payment of costs of financial
472 or engineering and traffic feasibility studies and the design,
473 financing, acquisition, or construction of an authority project
474 or portion of the system, included in the 10-year Strategic
475 Intermodal Plan, subject to appropriation by the Legislature.

476 (a) In the manner required by chapter 216, the department
477 shall include any issue or issues in its legislative budget
478 request for funding the payment of costs of financial or
479 engineering and traffic feasibility studies, and the design,
480 financing, acquisition, or construction of an authority project
481 or portion of the system. The request for funding may be
482 included as part of the 5-year Tentative Work Program, however
483 it will be decided upon separately as a distinct funding item
484 for consideration by the Legislature. The department must
485 include a financial feasibility test to accompany such

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486 legislative budget request for consideration of funding any
487 authority project.

488 (b) As determined by the Legislature in the General
489 Appropriations Act, funding provided for authority projects
490 shall be appropriated in a specific Fixed Capital Outlay
491 appropriation category that clearly identifies the authority
492 project.

493 (c) The department may not request legislative approval of
494 acquisition or construction of a proposed authority project
495 unless the estimated net revenues of the proposed project will
496 be sufficient to pay at least 50 percent of the annual debt
497 service on the bonds associated with the project by the end of
498 the 12th year of operation and to pay at least 100 percent of
499 the debt service on the bonds by the end of the 30th year of
500 operation.

501 (2) The department may use its engineers and other
502 personnel, including consulting engineers and traffic engineers,
503 to conduct the feasibility studies authorized under subsection
504 (1).

505 (3) The department may participate in authority-funded
506 projects that, at a minimum:

507 (a) Serve national, statewide, or regional functions and
508 function as part of an integrated regional transportation
509 system.

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510 (b) Are identified in the capital improvements element of
511 a comprehensive plan that has been determined to be in
512 compliance with part II of chapter 163. Further, the project
513 shall be in compliance with local government comprehensive plan
514 policies relative to corridor management.

515 (c) Are consistent with the Strategic Intermodal System
516 Plan developed under s. 339.64.

517 (d) Have a commitment for local, regional, or private
518 financial matching funds as a percentage of the overall project
519 cost.

520 (4) Before approval, the department must determine that
521 the proposed project:

522 (a) Is in the public's best interest;

523 (b) Would not require state funds to be used unless the
524 project is on the State Highway System;

525 (c) Has adequate safeguards in place to ensure that no
526 additional costs will be imposed on or service disruptions will
527 affect the traveling public and residents of this state if the
528 department cancels or defaults on the agreement; and

529 (d) Has adequate safeguards in place to ensure that the
530 department and the authority have the opportunity to add
531 capacity to the proposed project and other transportation
532 facilities serving similar origins and destinations.

533 (5) An obligation or expense incurred by the department
534 under this section is a part of the cost of the authority

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535 project for which the obligation or expense was incurred. The
536 department may require that money contributed by the department
537 under this section be repaid from tolls of the project on which
538 the money was spent, other revenue of the authority, or other
539 sources of funds.

540 (6) The department shall receive from the authority a
541 share of the authority's net revenues equal to the ratio of the
542 department's total contributions to the authority under this
543 section to the sum of: the department's total contributions
544 under this section; contributions by any local government to the
545 cost of revenue-producing authority projects; and the sale
546 proceeds of authority bonds after payment of costs of issuance.
547 For the purpose of this subsection, the net revenues of the
548 authority are determined by deducting from gross revenues the
549 payment of debt service, administrative expenses, operations and
550 maintenance expenses, and all reserves required to be
551 established under any resolution under which authority bonds are
552 issued.

553 345.0009 Acquisition of lands and property.-

554 (1) For the purposes of this chapter, the authority may
555 acquire private or public property and property rights,
556 including rights of access, air, view, and light, by gift,
557 devise, purchase, condemnation by eminent domain proceedings, or
558 transfer from another political subdivision of the state, as the
559 authority may deem necessary for any of the purposes of this

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560 chapter, including, but not limited to, any lands reasonably
561 necessary for securing applicable permits, areas necessary for
562 management of access, borrow pits, drainage ditches, water
563 retention areas, rest areas, replacement access for landowners
564 whose access is impaired due to the construction of a facility,
565 and replacement rights-of-way for relocated rail and utility
566 facilities; for existing, proposed, or anticipated
567 transportation facilities on the system or in a transportation
568 corridor designated by the authority; or for the purposes of
569 screening, relocation, removal, or disposal of junkyards and
570 scrap metal processing facilities. The authority shall also have
571 the power to condemn any material and property necessary for
572 such purposes.

573 (2) The authority shall exercise the right of eminent
574 domain conferred under this section in the manner provided by
575 law.

576 (3) When the authority acquires property for a
577 transportation facility or in a transportation corridor, it is
578 not liable under chapter 376 or chapter 403 for preexisting soil
579 or groundwater contamination due solely to its ownership. This
580 section does not affect the rights or liabilities of any past or
581 future owners of the acquired property or the liability of any
582 governmental entity for the results of its actions which create
583 or exacerbate a pollution source. The authority and the
584 Department of Environmental Protection may enter into

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585 interagency agreements for the performance, funding, and
586 reimbursement of the investigative and remedial acts necessary
587 for property acquired by the authority.

588 345.0010 Cooperation with other units, boards, agencies,
589 and individuals.-A county, municipality, drainage district, road
590 and bridge district, school district, or any other political
591 subdivision, board, commission, or individual in, or of, the
592 state may make and enter into a contract, lease, conveyance,
593 partnership, or other agreement with the authority within the
594 provisions of this chapter. The authority may make and enter
595 into contracts, leases, conveyances, partnerships, and other
596 agreements with any political subdivision, agency, or
597 instrumentality of the state and any federal agency,
598 corporation, or individual to carry out the purposes of this
599 chapter.

600 345.0011 Covenant of the state.-The state pledges to, and
601 agrees with, any person, firm, or corporation, or federal or
602 state agency subscribing to or acquiring the bonds to be issued
603 by the authority for the purposes of this chapter that the state
604 will not limit or alter the rights vested by this chapter in the
605 authority and the department until all bonds at any time issued,
606 together with the interest thereon, are fully paid and
607 discharged insofar as the rights vested in the authority and the
608 department affect the rights of the holders of bonds issued
609 under this chapter. The state further pledges to, and agrees

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610 with, the United States that if a federal agency constructs or
611 contributes any funds for the completion, extension, or
612 improvement of the system, or any parts of the system, the state
613 will not alter or limit the rights and powers of the authority
614 and the department in any manner that is inconsistent with the
615 continued maintenance and operation of the system or the
616 completion, extension, or improvement of the system, or that
617 would be inconsistent with the due performance of any agreements
618 between the authority and any such federal agency, and the
619 authority and the department shall continue to have and may
620 exercise all powers granted in this section, so long as the
621 powers are necessary or desirable to carry out the purposes of
622 this chapter and the purposes of the United States in the
623 completion, extension, or improvement of the system, or any part
624 of the system.

625 345.0012 Exemption from taxation.—The authority created
626 under this chapter is for the benefit of the people of the
627 state, for the increase of their commerce and prosperity, and
628 for the improvement of their health and living conditions. The
629 authority performs essential governmental functions under this
630 chapter, therefore, the authority is not required to pay any
631 taxes or assessments of any kind or nature upon any property
632 acquired or used by it for such purposes, or upon any rates,
633 fees, rentals, receipts, income, or charges received by it.
634 Also, the bonds issued by the authority, their transfer and the

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635 income from their issuance, including any profits made on the
636 sale of the bonds, shall be free from taxation by the state or
637 by any political subdivision, taxing agency, or instrumentality
638 of the state. The exemption granted by this section does not
639 apply to any tax imposed by chapter 220 on interest, income, or
640 profits on debt obligations owned by corporations.

641 345.0013 Eligibility for investments and security.—Bonds
642 or other obligations issued under this chapter are legal
643 investments for banks, savings banks, trustees, executors,
644 administrators, and all other fiduciaries, and for all state,
645 municipal, and other public funds, and are also securities
646 eligible for deposit as security for all state, municipal, or
647 other public funds, notwithstanding any other law to the
648 contrary.

649 345.0014 Applicability.—

650 (1) The powers conferred by this chapter are in addition
651 to the powers conferred by any other law and do not repeal any
652 other general or special law or local ordinance, but supplement
653 such other laws in the exercise of the powers provided in this
654 chapter, and provide a complete method for the exercise of the
655 powers granted in this chapter. The extension and improvement of
656 a system, and the issuance of bonds under this chapter to
657 finance all or part of the cost of such extension or
658 improvement, may be accomplished upon compliance with this
659 chapter without regard to or necessity for compliance with the

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660 provisions, limitations, or restrictions contained in any other
661 general, special, or local law, including, but not limited to,
662 s. 215.821, and approval of any bonds issued under this act by
663 the qualified electors or qualified electors who are freeholders
664 in the state or in any political subdivision of the state is not
665 required for the issuance of such bonds under this chapter.

666 (2) This act does not repeal, rescind, or modify any other
667 law relating to the State Board of Administration, the
668 Department of Transportation, or the Division of Bond Finance of
669 the State Board of Administration; however, this chapter
670 supersedes any other law that is inconsistent with its
671 provisions, including, but not limited to, s. 215.821.

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677 **T I T L E A M E N D M E N T**

678 Remove everything before the enacting clause and insert:
679 An act relating to transportation; amending s. 311.07, F.S.,
680 providing that seaport asset management plans are eligible for
681 funding from the Florida Seaport Transportation and Economic
682 Development Program; amending s. 311.101, F.S.; revising the
683 amount of funds to be made available annually from the State
684 Transportation Trust Fund for the Intermodal Logistics Center

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 3 (2014)

Amendment No. 1.

685 Infrastructure Support Program; creating s. 311.103, F.S.;

686 defining the term "freight logistics zone"; authorizing a county

687 or two or more contiguous counties to designate a geographic

688 area or areas within its jurisdiction as a freight logistics

689 zone; requiring the adoption of a strategic plan which must

690 include certain information; providing that certain projects

691 within freight logistics zones may be eligible for priority in

692 state funding and certain incentive programs; providing

693 evaluation criteria for freight logistics zones; creating s.

694 311.141, F.S.; requiring certain entities to conduct a review of

695 continuity of operations plans; authorizing such entities to

696 develop an all-hazards economic recovery plan and resumption of

697 trade plan for seaports; requiring certain entities to review

698 the need for consistent asset management plans for seaports;

699 amending s. 320.525, F.S., providing that certain public roads

700 may be designated as port district roads; requiring the

701 Department of Transportation to designate such roads with

702 appropriate signage; amending s. 20.23, F.S.; revising

703 provisions relating to functions of the Florida Transportation

704 Commission to add certain monitoring of the Northwest Florida

705 Regional Transportation Finance Authority; creating ch. 345,

706 F.S., relating to the Northwest Florida Regional Transportation

707 Finance Authority; creating s. 345.0001, F.S.; providing a short

708 title; creating s. 345.0002, F.S.; defining terms; creating s.

709 345.0003, F.S.; authorizing certain counties to form a regional

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Amendment No. 1.

710 finance authority to construct, maintain, or operate
711 transportation projects in a given region of the state;
712 providing governance of the authority; providing financial
713 disclosure requirements; creating s. 345.0004, F.S.; specifying
714 the powers and duties of a regional transportation finance
715 authority; limiting the authority's power with respect to an
716 existing system; prohibiting the authority from pledging the
717 credit or taxing power of the state or any political subdivision
718 or agency of the state; prohibiting the authority from entering
719 into an agreement that would prohibit a county or municipality
720 from constructing a road without the consent of the county;
721 requiring that the authority comply with certain reporting and
722 documentation requirements; creating s. 345.0005, F.S.;
723 authorizing the authority to issue bonds that meet certain
724 requirements; requiring that the resolution that authorizes the
725 issuance of bonds meet certain requirements; authorizing the
726 authority to enter into security agreements for issued bonds
727 with a bank or trust company; providing that issued bonds are
728 negotiable instruments and have the qualities and incidents of
729 certain negotiable instruments under the law; requiring that a
730 resolution authorizing the issuance of bonds and pledging of
731 revenues of the system include certain requirements; prohibiting
732 the use or pledge of state funds to pay principal or interest of
733 the authority's bonds; creating s. 345.0006, F.S.; providing for
734 the rights and remedies granted to bondholders; authorizing

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 3 (2014)

Amendment No. 1.

735 certain actions a trustee may take on behalf of the bondholders;
736 authorizing the appointment of a receiver; establishing and
737 limiting the authority of the receiver; creating s. 345.0007,
738 F.S.; designating the Department of Transportation as the agent
739 of the authority for specified purposes; authorizing the
740 administration and management of projects by the department;
741 limiting the powers of the department as an agent; establishing
742 the fiscal responsibilities of the authority; creating s.
743 345.0008, F.S.; authorizing the department to provide for or
744 commit its resources for the authority project or system, if
745 approved by the Legislature; authorizing the payment of expenses
746 incurred by the department on behalf of the authority; requiring
747 the department to receive a share of the revenue from the
748 authority; providing calculations for disbursement of revenues;
749 creating s. 345.0009, F.S.; authorizing the authority to acquire
750 private or public property and property rights for a project or
751 plan; authorizing the authority to exercise the right of eminent
752 domain; establishing the rights and liabilities and remedial
753 actions relating to property acquired for a transportation
754 project or corridor; creating s. 345.0010, F.S.; authorizing
755 contracts between governmental entities and the authority;
756 creating s. 345.0011, F.S.; providing that the state will not
757 limit or alter the vested rights of a bondholder with regard to
758 any issued bonds or other rights relating to the bonds under
759 certain conditions; creating s. 345.0012, F.S.; relieving the

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 3 (2014)

Amendment No. 1.

760 authority's obligation to pay certain taxes or assessments for
761 property acquired or used for certain public purposes or on
762 revenues received relating to the issuance of bonds; providing
763 exceptions; creating s. 345.0013, F.S.; providing that the bonds
764 or obligations issued are legal investments of specified
765 entities; creating s. 345.0014, F.S.; providing applicability;
766 providing an effective date.

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